

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAVID MORTON,

Plaintiff,

v.

KENNETH WILLIAMS, *et al.*,  
Defendants.

Case No. 3:24-cv-00402-MMD-CSD

ORDER

Pro se Plaintiff David Morton, who is incarcerated in the custody of the Nevada Department of Corrections, brought this case under 42 U.S.C. § 1983 against prison employees and officials, alleging deliberate indifference to his serious medical needs in violation of his Eighth Amendment rights. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 27), recommending the Court deny Plaintiff’s motions for a temporary restraining order (ECF No. 5) and a preliminary injunction (ECF No. 6), but order Defendants to file sealed status reports both when Plaintiff is scheduled to see an orthopedic oncologist, and again when that appointment occurs. To date, no objections to the R&R have been filed. For this reason, and as further explained below, the Court will adopt the R&R in full.

Because there is no objection, the Court need not conduct de novo review, and is satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.” (emphasis in original)). Judge Denney first recommends the Court deny Plaintiffs’ motions seeking injunctive relief regarding further evaluation and treatment of his foot because he has already secured his requested relief; he has seen several foot specialists and is scheduled to see an orthopedic oncologist. (ECF No. 27 at

1 8.) However, Judge Denney recommends the Court require Defendants to submit sealed  
2 status updates to ensure Plaintiff has his scheduled appointments. (*Id.* at 8-9.) Judge  
3 Denney next recommends the Court deny Plaintiffs' motions to the extent he seeks  
4 hematology and cancer panels because those appointments depend on outside  
5 specialists beyond the Court's jurisdiction. (*Id.* at 9-10.) Judge Denney finally  
6 recommends the Court deny Plaintiff's pending motions to the extent he seeks a non-slip  
7 shower stool because that request lacks a sufficient nexus to the conduct alleged in  
8 Plaintiff's Complaint. (*Id.* at 11-12.) Having reviewed the R&R, Judge Denney did not  
9 clearly err.


10 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
11 No. 27) is accepted and adopted in full.

12 It is further ordered that Plaintiff's motions for a temporary restraining order and a  
13 preliminary injunction (ECF Nos. 5, 6) are denied.

14 It is further ordered that Defendants must provide status updates, under seal, when  
15 Plaintiff's appointment to see an orthopedic oncologist is scheduled and again when the  
16 appointment has occurred.

17 DATED THIS 25<sup>th</sup> Day of February 2025.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE